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News

Expelled John Doe returns to Middlebury

October 8, 2015 7:00 am 0 Comments

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By: Kiernan Somers on October 8, 2015.

After a five-month investigation, a Middlebury College student was expelled following allegations of sexual assault against a non-college student. The plaintiff has accused the defendant, John Doe, of sexually assaulting her while studying abroad with the School for International Training (SIT).

The incident occurred while the student was studying abroad in the fall of 2014. Doe was allowed to return to campus in the spring following the release of an SIT report that cleared him of all criminal offense.

In a Letter to the Editor of the *Middlebury Campus*, Vice President for Communications, Bill Burger, stated: "In December of 2014, before [the College] learned of the outcome of the SIT hearing, we were contacted by representatives of the original complainant. We initiated our own investigation of the alleged sexual assault less than two weeks after we received evidence from that complainant."

The expelled student is currently suing the school for breach of contract in U.S. District Court for the District of Vermont. Doe claims that the investigation commissioned by the College was unjust and unlawful. If upheld, the expulsion will cost Doe an \$85,000-a-year job following his expected graduation in 2016 according to the complaint filed in court. The job included a \$10,000 signing bonus and \$5,000 in moving expenses.

District Judge J. Garvan Murtha issued an injunction on September 16, staying the expulsion. In his opinion, he found that an expulsion would cause irreparable harm for Doe pending the final merits of the case.

Prior to seeking an injunction, Doe submitted two appeals in an attempt to reverse the decision to Middlebury President and Vice President for Academic Affairs. Both appeals were denied.

Middlebury responded to the court's decision on September 18 in a press release:

"Middlebury College is deeply disappointed by the court's decision to grant the plaintiff, who currently is identified as John Doe, a preliminary injunction requiring Middlebury to allow him to re-enroll for the fall semester. We believe the court erred in its interpretation of the facts and the law in reaching this decision. We are considering our legal options, but at this time we are obliged to comply with the court's order."

Students on campus have retaliated against the court's decision, starting a group titled GO/DOE. The group has publicly protested the decision with chalk messages around the Middlebury campus. In an interview with the *Echo*, Middlebury student Matt Witkin '16, stated: "Personally, I really do not like that John Doe is back on campus. I think that sexual assault is such a hard topic to deal with on college campuses, that when there finally is a success for the survivors (e.g. a perpetrator being expelled), it is a shame to have that victory erased...but 100% of the people that I have spoken to are upset that this person is back at Middlebury."

The College relied upon policies detailed in the Student Handbook as the basis for the investigation. In a press release, the College stated: "The Middlebury College Handbook holds students accountable for policy violations that take place between the time they first arrive on campus and their graduation. Under its policies, a Middlebury student's off-campus conduct may be subject to Middlebury's disciplinary processes when, among other things, such conduct may represent a threat to the safety of the Middlebury community or any of its members." The Middlebury College Handbook is distributed to all students in their first year.

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According to the court decision, the Plaintiff was informed by Middlebury administrators that the College had decided to “conduct an investigation under the authority of the Scope of Oversight section of the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking (“SMDVS”) policy referring to conduct that occurs off-campus but may represent a threat to the safety of the Middlebury community.”

“It hurts our community when someone, who has been found to have acted outside of our set values, [continues] to attend classes and participate in our community,” said Witkin.


“I think the fact that the victim was not a Middlebury student has changed the conversation slightly. If she went here, and was forced to see her attacker every day, I do not know if the judge would have made the same decision,” continued Witkin. “That being said, John Doe acted outside of our community’s standards and that makes him a continuing threat to the community as a whole, even if the victim is not here.”

Author: [Kiernan Somers](#)

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few clouds
humidity: 60%
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Go/Doe, Students Protest Against John Doe's Return

By Jack Apollo George





(<https://middleburycampus.com/staff/?writer=Jack%20Apollo%20George>)
September 30, 2015

Last week, students publicly demonstrated their displeasure with the recent John Doe v. Middlebury College ruling from the State of Vermont.

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On Thursday night, the words “Doe must go, I stand w/ Jane” were chalked on the pavement leading up to Mead Chapel and the go/doe link was established.

The link — which leads to a simple and clear WordPress blog — allows easy public access to the court documents of Doe’s suit against the College. It also encourages students to send “a note to the Trustees, and take a stand on social media.” The call to students from the page is best summarized by the tag-line: “it’s time for us to determine what our standards are when it comes to sexual violence.”

In the John Doe case, a student was accused of sexual assault while on an SIT study abroad program in the fall of 2014. He was found not responsible by the program’s own internal investigation. Once he had returned to the College, the alleged victim reached out to the College, who then ran a second investigation that found John Doe responsible and he was to be expelled.

However, on September 16 when sued by John Doe, the College was ordered through federal injunction by a United States District judge to re-enroll the student, while the legal proceedings continued.

Whilst the campaign perhaps risks appearing as a witch-hunt against the alleged perpetrator — especially through the chalking of a public space — its organizer, who wishes to remain anonymous, states that it was intended more as a way of instigating important conversations.

“The John Doe case does a really interesting thing because it allows us to consider campus sexual assault without necessarily having to worry about the impact [on] the survivor because the survivor isn’t on this campus.”

Crucially, the John Doe v. Middlebury case did not actually explore Doe’s potential culpability. The student behind go/doe pointed out how possibly the most obvious victim, Jane Doe, was “symbolically annihilated” from the conversation.

“Go/doe is a moment that was spawned through some conversations through very few individuals just feeling that its really disrespectful that this campus is not feeling outraged by this and that there isn’t more attention,” said the anonymous student.

Criticism of the College’s handling of the John Doe case has also come from other sources.

The Campus critiqued the College’s responses to the initial investigations in in last week’s editorial.

The Student Government Association has also previously pressed for

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changes to the College's sexual assault policies. Last year, an SGA resolution on sexual respect recommended that investigators record their work so that they can be held accountable through the process. No such changes have been made thus far.

Vice-President for Communications and Marketing Bill Burger says that there are currently no plans to update the Policy against Sexual Misconduct, Domestic Violence, Dating Violence and Stalking in light of the John Doe case.

Nonetheless, he emphasized that the College has not finished with the controversy: "Middlebury College will comply with order of the federal court in all respects even as we appeal the decision to the Second Circuit Court of Appeals."



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